0471

BOX:
216

FOLDER:
2136

DESCRIPTION:
O'Connell, Daniel

DATE:
04/20/86

2136

Witnesses:

Patrick Noonan

after an interview with complainant, I am satisfied that the felonious intent could not be proved & that the prisoner has not committed a larceny & ask that he be discharged on his own recognizance

April 30th 86

No. 153

Counsel,

Filed 20 day of April 1886

Pleads Not Guilty.

THE PEOPLE

vs.

Daniel O'Connell

Grand Larceny in the 2nd degree. (MONEY.) (Sec. 528 and 53 , Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

Dis'd by the C on his own recog—

A True Bill.

J. H. Rocer

Foreman.

New York General Sessions.

PEOPLE ON MY COMPLAINT,

VERSUS

Daniel O'Connell

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. I asks the Treasurer of our Lodge gave the sum of Money Mentioned in my Complaint to the Dept. as Secy. & forward to Illinois - I am satisfied Defendant went on a "spree" with the Money, and intended to make it good - also that he had no Criminal Design - This I say now after a full and Mature deliberature - I am sure Defendant will make our loss good - As the proof I have that Dept did not forward the Money is contained in the annexed Telegram from Illinois -

Respectfully ask Defendant be discharged as he has been a good honest fellow

Patrick Norman

Withdrawal

0475

THE WESTERN UNION TELEGRAPH COMPANY.

NUMBER	SENT BY	REC'D BY	CHECK
19	CC	E	2 pa

Received at 116 AVENUE A and 1st STREET April 10 1886

Dated Yalesburg Ill 10

To Jno L Cox

549 W 48th St

assessment Eleven and twelve
not yet arrived

Ed. F. O'Shea

Police Court— 2 District. Affidavit—Larceny.

City and County of New York, } ss.:

Patrick Noonan

of No. 442. West 32. Street, aged 21 years, occupation Brakeman being duly sworn deposes and says, that on the 29 day of March 188 6 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Good and lawful Money of the United States to the amount and value of Sixty one & 25/100 Dollars ($61.25)

the property of New York Lodge. No 163. brotherhood of Rail Road brakeman. a Society duly incorporated under the laws of the state of New York and in the Care & Custody of deponent as Treasurer and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Daniel O'Connell (now here) from the fact that deponent gave the defendant who is a member of the above mentioned Lodge the aforesaid amount of Money on the above mentioned date for the purpose of sending said Money to the Grand Lodge in Galesburg Illinois. And deponent received the annexed telegraphic dispatch from one Edward F. O'Shea who is the Secretary of the Grand Lodge in Galesburg. Illinois. on April 10th 1886. and dated on that day. that he the said O'Shea had not received said Money. And deponent is informed by Officer Stephen Carmick of the 20th

Sworn to before me this 1 day of 188

Prech Police that while he was bringing the defendant to court he told the officer that if the Lodge would not prosecute him he would give them a guarantee that he would return said money that the Lodge had said he the defendant had stole from them. And deponent further says that when he asked the defendant if he had received the receipt for said money he said he had not and that he had not received a receipt from the Post Office. Wherefore deponent charges the said defendant with appropriating said amount of money to his own use and benefit. and prays he may be held and dealt with according to law

Patrick O'Bonnane

Sworn to before me
this 13th day of April 1886.
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named ——————

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ——— *Hundred Dollars* ——— *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated ——————, 188 ——————— *Police Justice.*

I have admitted the above named ——————
to bail to answer by the undertaking hereto annexed.

Dated ——————, 188 ——————— *Police Justice.*

There being no sufficient cause to believe the within named ——————
——————— *guilty of the offence within mentioned, I order h to be discharged.*

Dated ——————, 188 ——————— *Police Justice.*

Police Court, ——— District.

Offence—LARCENY.

THE PEOPLE, &c.,
on the complaint of

vs.

1 .....
2 .....
3 .....
4 .....

Dated ....., 188

Magistrate.

Officer.

Clerk.

Witnesses, ...

No. ....., *Street,*

No. ....., *Street,*

No. ....., *Street,*

$ ..... *to answer* ..... *Sessions.*

CITY AND COUNTY
OF NEW YORK, } ss.

Stephen Carnick

aged ..... years, occupation Police Officer of No.

20th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Patrick Noonan

and that the facts stated therein on information of deponent are true of deponents' own

knowledge.

Sworn to before me, this 13th

day of April 188 6

Stephen Carnick

Police Justice.

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Daniel O'Connell being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question What is your name?

Answer Daniel O'Connell

Question. How old are you?

Answer 27 years old

Question. Where were you born?

Answer. New York city

Question. Where do you live, and how long have you resided there?

Answer. 501 W. 33d St. about 13 years

Question What is your business or profession?

Answer Bracerman

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. I am not guilty
Daniel O'Connell

Taken before me this 18 *day of* [illegible]

[illegible] *Police Justice*

0480

BAILED,

No. 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street.

No. 4, by _____ Residence _____ Street.

Police Court 2 District. 326

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Patrick Moran
442 West 32nd St.

Daniel O'Connell

Offence Grand Larceny

Dated April 13th 1886

Stephen Cornick Magistrate

Officer.

20 Precinct.

Witnesses Cy Cornick
No. 2 Pitt Such Police Street.

No. _____ Street,

No. _____ Street,

$ _____ to answer _____

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Daniel O'Connell *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* Five *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated April 13 188 6 _____ *Police Justice.*

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ *Police Justice.*

There being no sufficient cause to believe the within named _____

_____ *guilty of the offence within mentioned, I order he to be discharged.*

Dated _____ 188 _____ *Police Justice.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

David O'Donnell

The Grand Jury of the City and County of New York, by this indictment accuse

— David O'Donnell —

of the crime of GRAND LARCENY IN THE second DEGREE, committed as follows:

The said David O'Donnell,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and eighty-six, at the Ward, City and County aforesaid, with force and arms, in the same —— time of the same day, three — promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; twelve promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each; six promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; twelve promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of eleven dollars and twenty five cents,

$61.25

of the proper moneys, goods, chattels, and personal property of ~~one~~ a certain corporation called New York Lodge Number 163, Brotherhood of Railroad Brakemen, then and there being found, ~~from the person of the said~~ —— then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

0482

BOX:
216
FOLDER:
2136
DESCRIPTION:
O'Donnell, Joseph

DATE:
04/29/86

2136

0483

BOX:
216
FOLDER:
2136
DESCRIPTION:
Best, Andrew D.

DATE:
04/29/86

2136

0484

BOX:
216
FOLDER:
2136
DESCRIPTION:
Graham, James R.

DATE:
04/29/86

2136

0485

BOX:
216
FOLDER:
2136
DESCRIPTION:
Downing, James F.

DATE:
04/29/86

2136

0486

BOX:
216
FOLDER:
2136
DESCRIPTION:
Hughes, John

DATE:
04/29/86

2136

In view of the fact that Mr. Edward Lauterbach ~~agrees~~ Counsel for the Third Ave. R.R. Co. states to me that he thinks this Indictment was improvidently found and that he has so advised said Company and as I am of opinion that there is no & and never was evidence sufficient to justify the People in bringing these defts to trial. This Indictment was found by the Grand Jury of their own motion and without my advice and I recommend that within Indictment be dismissed.

Randolph B. Martine
Dist. Atty.

N.Y. Nov. 17. 1886

No. 200
Chas. P. Bacon
Bill 29
647

Counsel,
Filed 29 day of April 188 6
Pleads Not guilty, particularly set forth in the indictment (3)

THE PEOPLE
vs.
1. Joseph O'Donnell B
2. Andrew J. Best B
3. James R. Graham B
4. James J. Downing B
5. John Hughes B

[Section 168 & 653, Penal Code.]

RANDOLPH B. MARTINE,
District Attorney.

Apr 17/86
On motion of Mr. Martine for reasons herein stated
A True Bill
Bail discharged
Mr. Martine

Nov 15 Foreman

Witnesses:
Edward Lauterbach
Wm Dyer
Inspector Byrnes
Matthew Smith Sergt
Daniel Nelle Det
Robt W Sheehan
Frank Curtis - Detective Am
Ed. E. Moran - Detective
Inspector Byrnes

Defendants all bailed in $1,000 each
Francis M. Clark
236 East 9th St.

Bail, Papers at Mac's
P.S.

Law Offices of
Lauterbach & Springman,
45 William & 41 Pine Sts.

New York, November 18th 1886.

Hon. R. B. Martine,
District Attorney,
County of New York:

Dear Mr Martine:

I have suggested to me, as the Legal Counsel of the Third Avenue Railroad Company, the propriety of dismissing the indictments in the case of the five members of the Executive Committee indicted for conspiracy against trade &c., the real offence being the organization and management of the strike against the Third Avenue Railroad Company, in April last.

I have conferred with Mr John C. Mott who was specially retained by the Company to attend to these and similar cases, and with individual members of our Board, and the sentiment appears to be that no public benefit is to be accomplished by the

prosecution of these men at the present time, and so far as the Company is concerned, no objection exists upon your pursuing any course in the matter that you may deem fit.

My own personal judgment tallies with your own, as to the course to be adopted.

Very truly yours,

Ed. Lauterbach.

Court of Sessions of the Peace,
of the City and County of New York.

The People of the State
of New York,
against
Joseph O'Donnell, Andrew
R. Dort, James R.
Fordham, James S. Dann
ing and John Dougher

The Grand Jury of the City
and County of New York, by this Indictment
accuse Joseph O'Donnell, Andrew R. Dort,
James R. Fordham, James S. Dunning
and John Dougher of the crime of
Conspiracy, committed as follows:

Wherefore, to wit: on the twelfth
day of April, in the year of our Lord
one thousand eight hundred and eighty
nine, at the City and County aforesaid,
the Third Avenue Railroad Company,
a corporation duly organized and existing
under and by virtue of the laws of this
State, was lawfully maintaining,
operating and using a street railroad
public use in the
railroad for the conveyance of persons
and property in cars in, by, through
and along certain public streets and

common highway, there situate, and before and at the time of the committing the offence hereinafter mentioned, the said corporation was possessed of divers street railway cars and other property for the proper maintaining, operating and using the said railroad, and for the like purpose had in its employ divers, to wit:, one thousand servants, workmen and laborers.

And the said Joseph O'Donnell, Andrew A. Dent, James A. Fogarty, James T. Dowling and John Hughes, well knowing the premises, and being evil disposed persons, and unlawfully, riotously and maliciously devising, intending and contriving, by threats and intimidation, and by intermeddling and threatening to interfere with the said property belonging to and used by the said corporation as aforesaid, to prevent and hinder the said corporation from maintaining, operating and using the said railroad, on the said twenty-sixth day of April, in the year aforesaid, at the City and County aforesaid, unlawfully, riotously and maliciously did conspire, combine, confederate and agree together, among themselves, by

threats and intimidation, and by intermeddling and threatening to interfere with the said property of the said corporation, to prevent and hinder the said corporation from maintaining, operating and using the said railroad.

And the said Joseph O. Darnell, Andrew D. Cart, James B. Stephens, James E. Fanning, and John Hughes, in pursuance and furtherance of said according to the said conspiracy, combination, confederacy and agreement amongst themselves, as aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully, wickedly and maliciously threaten the said corporation to hinder and prevent the said corporation from maintaining operating and using the said railroad, and to interfere with its said property, to wit: nine hundred and to cause and procure divers of its said servants, laborers and workmen, to quit their said employment and to cease and refuse to do and perform the work, labor and duties thereof, unless the said corporation would dismiss from its employment from thenceforth without any just cause or reason whatsoever forever retain others of its said servants

workmen and laborers, to wit: Frank Bradley, Charles Harrington John Reid, Michael Kelly, William Griffin, William Bardwell and Charles Jones, and at all times up to the said day when Joseph Donnell and performed the work, labor and duties to the satisfaction of the said corporation, of their said employment, with intent in so doing to intimidate the said corporation, and to force, compel and constrain it, against its ~~[illegible]~~ interests and contrary to its policy and good welfare, to dismiss from its employment from thenceforth forever, without any just cause or reason whatsoever, as aforesaid, the said Frank Bradley, Charles Harrington, John Reid, Michael Kelly, William Griffin, William Bardwell and Charles Jones.

And the said Joseph O'Donnell, Andrew D. Best, James R. Hopkins, James F. Dominick and John Hughes, in the further pursuance and furtherance of, and according to the said conspiracy, combination, agreement and confederacy amongst themselves as aforesaid, afterwards, to wit: on the days and in the year aforesaid, ~~after~~ at the City and County aforesaid, did maliciously, maliciously and maliciously, and with the same

intent that aforesaid, name and name the said nine hundred servants, laborers, and workmen to quit their said employment, and to cease and refuse to do and perform the work, labor and duties thereof.

And the said Joseph O'Donnell, Andrew D. Gast, James B. Fagan, James E. Dunning and John Hughes, in the further pursuance and furtherance of, and according to the said conspiracy, combination, confederacy and agreement aforesaid, whereunto as aforesaid, affirmed, to wit: on the days and in the year aforesaid, at the City and County aforesaid, by means of the unlawful, wicked and malicious acts herein alleged, and by divers other subtle and indirect means, and by stratagems and devices, unlawfully, wickedly and maliciously did greatly impede, hamper, embarrass and distract the said corporation in the maintaining, operating and using the said railroad, and did therein and thereby most unjustly and oppressively attempt and endeavor to hinder and prevent the said corporation from maintaining, operating and using the same, to wit: for the better carrying the said conspiracy, combination,

intent last aforesaid, cease and desist the said nine hundred seamen, laborers, and workmen to quit their said employment, and to cease and refuse to do and perform the work, labor and duties thereof.

And the said Joseph O'Donnell, Andrew R. Gast, James B. Fagan, James E. Downing and John Hughes, in the further pursuance and furtherance of, and according to the said conspiracy, combination, confederacy and agreement amongst themselves as aforesaid, affirmants, do nit: on the days and in the year aforesaid, at the City and County aforesaid, by means of the unlawful, wicked and malicious acts herein alleged, and by divers other subtle and indirect means, and by stratagems and devices, unlawfully, wickedly and maliciously did openly impede, harass, subvert and destroy the said corporation in the maintaining, operating and using the said railroad, and did therein and thereby most unjustly and oppressively attempt and endeavor to hinder and prevent the said corporation from maintaining, operating and using the same, to wit: for the better carrying the said conspiracy, combination,

confederacy and agreement into effect and execution; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Second Count [Section 168, Penal Code, sub 6]

And the Grand Jury aforesaid, by this indictment, further accuse the said Joseph Donnell, Andrew O. Best, James R. Fraham, James E. Dominick and John Dwyer of the crime of Conspiracy, committed as follows:

Wherefore, to wit: on the said twelfth day of April, in the year aforesaid, at the City and County aforesaid, the said the Third Avenue Railroad Company being such corporation as aforesaid, was lawfully maintaining, operating and using the said street surface railroad for public use in the conveyance of persons and property in cars as aforesaid, in, by through and along the said public streets and common highways thereof

~~State aforesaid~~

situate, and before and at the time of the committing the offence hereinafter mentioned, the said corporation had in its employ, for the proper maintaining, operating and running the said railroad, divers, to wit: one thousand servants, workmen and laborers.

And the said Joseph O'Donnell, Andrew D. Scott, James F. Fagan, James G. Dominy and John Hughes, well knowing the premises in this count mentioned, and being such evil disposed persons, and maliciously, unjustly and oppressively devising, intending and contriving, by indirect means, threats, persuasions, falsehoods, stratagems and devices, to force, compel and constrain the said corporation, against its interests, and contrary to its policy and good welfare, to discharge and cease to employ from thenceforth forever, without any just cause or reason whatsoever, certain of its said servants, workmen and laborers, to wit: the said Frank Bradley, Charles Harrington, John Reid, Michael Kelly, William Griffin, William Cardwell and Charles Jones, who had so as aforesaid before then and up to the said time faithfully done

and performed the work, labor and duties of their said employment to the satisfaction of the said corporation, aforesaids, to wit: on the said twelfth day of April in the year aforesaid, at the City and County aforesaid, unlawfully, unjustly and oppressively did conspire, combine, confederate and agree together, amongst themselves, by indirect means, threats, persuasions, palaverings, strategems and devices to coerce, compel and constrain the said corporation against its interests, and contrary to its policy and good welfare, to dismiss and cease to employ the said Charles Bradley, Charles Hamilton, John Reid, Michael Kelly, William Griffin, William Cardwell and Charles Jones, from thenceforth forever, without any just cause or reason whatsoever.

And the said Joseph O'Donnell, Andrew D. Best, James E. Fagan, James F. Bonnie and John Hughes, in the ~~[illegible]~~ pursuance and furtherance of and according to the last named conspiracy, combination, confederacy and agreement amongst themselves as aforesaid, afterwards,

to wit: on the days and in the year aforesaid, at the City and County aforesaid, did unlawfully, wrongfully and oppressively threaten the said corporation to cause and procure divers to wit: nine hundred others of the said servants, labourers and workmen to quit their said employment and to cease and refuse to do and perform the work, labor and duties thereof, unless the said corporation would so dismiss and cease to employ, then the said Frank Bradley, Charles Harrington, John Reid, Michael Kelly, William Griffin, William Cardwell and Charles Jones, and did then and there further threaten the said corporation to harass, vexatious, embarrass and distress the said corporation in the management, operating and using the said railroad, unless the said corporation would so dismiss and cease to employ, then the said Frank Bradley, Charles Harrington, John Reid, Michael Kelly, William Griffin, William Cardwell and Charles Jones as aforesaid.

And the said Joseph O'Donnell, Andrew A. Beck, James R. Fagdram, James F. Dunning and John Hughes,

in the further pursuance and furtherance of, and according to the said conspiracy, combination, confederacy and agreement amongst themselves as aforesaid, afterwards, to wit:- on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully, unjustly and oppressively cause and procure the said nine hundred seamstresses, labourers and workmen to quit their said employment, and to cease and refuse to do and perform the work, labour and duties thereof.

And the said Joseph Howell, Andrew D. Scott, James G. Graham, James T. Dunning and John Hughes, in the further pursuance and furtherance of, and according to the said conspiracy, combination, confederacy and agreement amongst themselves as aforesaid, afterwards, to wit:- on the day and in the year aforesaid, at the City and County aforesaid, by means of the unlawful, unjust and oppressive acts herein alleged, and by divers other subtle and indirect means, stratagems and devices, unlawfully, unjustly and oppressively did speedily impede, hinder, and hinders

and destroy the said corporation in the maintaining, operating and running the said railroad, to wit: ~~the~~ for the better carrying the said conspiracy, combination, confederacy and agreement into effect and execution; which said conspiracy, combination, confederacy and agreement was to commit an act (to wit: the coercive, compulsory and constrained dismissal of the said workmen, servants and laborers, by the said corporation, without any just cause or reasonable notice, or aforesaid) injurious to trade and commerce; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Third Count [Section 653, Penal Code]

And the Grand Jury aforesaid by this Indictment further accuse the said Joseph O'Donnell, Andrew D. West, James R. Fagdson, James T. Dominy and John Hughes of the crime of Coercion, committed as follows:

The said Joseph O'Donnell, Andrew A. Poor, James R. Fordham, James T. Dominick and John Hughes, afterwards to wit: on the day and in the year aforesaid, with a view to compel the said The Third Avenue Rail Road Company, such corporation as aforesaid, to abstain from maintaining, operating and using the said railroad, so being then and there maintained operated and used by the said corporation as aforesaid, and so to operate, maintain and use which said railroad the said corporation then and there had as legal right, at the City and County aforesaid, with force and arms, unlawfully and wrongfully did threaten violence and injury upon the said property of the said corporation, and did attempt the intimidation of the said corporation by threats: against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity

7.

Fourth Count. [Section 653, Penal Code]

And the Grand Jury aforesaid

by this Indictment further accuse the said Joseph O'Donnell, Andrew D. Bent, James R. Fagham, James E. Dunning and John Hughes of the County of Roscommon, committed as follows:

The said Joseph O'Donnell, Andrew D. Bent, James R. Fagham, James E. Dunning and John Hughes, aforesaid, to wit: on the day and in the year aforesaid, with a view to compel the said The Great Western Rail Road Company, such corporation as aforesaid to dismiss and cease to employ the said Frank Bradley, Charles Harrington, John Reid, Michael Kelly, William Griffin, William Cardwell and Charles James, servants such servants, workmen and labourers of the said corporation as aforesaid, the same being on and which the said corporation then and there had a legal right to obtain from doing, at the Riding and Working aforesaid, with force and arms, unlawfully and wrongfully

did threaten violence and injury
upon the said property of the said
corporation, and did attempt the
intimidation of the said corporation
by threats against the laws of
the State in such case made and
provided, and against the peace of
the People of the State of New
York, and their dignity.

Randolph B. Martine,
District Attorney

0505

BOX:
216
FOLDER:
2136
DESCRIPTION:
O'Neill, James

DATE:
04/22/86

2136

Witnesses:

Lizzie Burke

No. 180

Counsel, H. & M. McPherson

Filed 22 day of April 1886

Pleads Not guilty (26)

THE PEOPLE

vs.

James O'Neill

2d. 1st W 40

Indicted –

Grand Larceny, 2nd degree

[Sections 528, 53 1, Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

Pr May 3/86

Tried & Convicted P.L.

A True Bill.

J. W. Brown

Foreman.

C. Mos. Rew

F.C.

Police Court— 2 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Lizzie Burke

of No. 133 W. 29 Street, aged 30 years,

occupation Housekeeper being duly sworn

deposes and says, that on the 11th day of April 1886 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

One green cloth ladies dress of the value of Fifty Dollars.

the property of Deponent.

and that this deponent has a probable cause to suspect, and does suspect, that the said property was felonionsly taken, stolen, and carried away by James. O'Neill Now here on the fact that deponent is informed by John. R. Kemble of No 50 Clinton Place that the defendant called on him and represented that he was the husband of deponent. and demanded the aforesaid dress. and the said John R. Kemble believing and relying on upon such representations so made to him by the defendant gave him the dress. Deponent has since demanded her dress from the defendant. but he refused to give it to her. Wherefore deponent charges the defendant with obtaining possession of the aforesaid property by false and fraudulent representations. and prays he may be held and dealt with according to law.

Mrs Lizzie A Burke

Sworn to before me, this 11 day of April 1886

Police Justice.

0508

CITY AND COUNTY
OF NEW YORK, } ss.

John R. Kemble

aged 51 years, occupation Broker of No.

50 Christm Place Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Lizzie Burke

and that the facts stated therein on information of deponent are true of deponents' own

knowledge.

Sworn to before me, this 12
day of April 188 } John R Kemble

Police Justice.

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

James O'Neill being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question What is your name?

Answer James. O'Neill

Question. How old are you?

Answer 24 years old

Question. Where were you born?

Answer. New York

Question. Where do you live, and how long have you resided there?

Answer. 15 University Place. about. 2 weeks

Question What is your business or profession?

Answer Machinist

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. I am guilty

Jas O'Neill

Taken before me this 1 *day of* August *188*3

Police Justice.

0510

BAILED,

No. 1, by _____ Residence _____ Street.

No. 2, by _____ Residence _____ Street.

No. 3, by _____ Residence _____ Street.

No. 4, by _____ Residence _____ Street.

Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wm. Burke 133 West 29th St.

James O'Neil

Offense Larceny Grand

Dated April 12th 188 6

Magistrate

James A. Flaherty Officer.

29 Precinct.

Witnesses John R. Burke

57 Christopher Street.

No. _____ Street.

No. _____ Street.

$500 to answer Sessions

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named James O'Neil *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* Five *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated April 12 188 _____ *Police Justice.*

I have admitted the above-named _____ *to bail to answer by the undertaking hereto annexed.*

Dated _____ 188 _____ *Police Justice.*

There being no sufficient cause to believe the within named _____ _____ *guilty of the offence within mentioned, I order he to be discharged.*

Dated _____ 188 _____ *Police Justice.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
James O'Neill

The Grand Jury of the City and County of New York, by this indictment, accuse

James O'Neill

of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said James O'Neill,

late of the First Ward of the City of New York, in the County of New York aforesaid on the seventh day of August, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, with force and arms,

one dress of the value of fifty dollars.

of the goods, chattels and personal property of one

Sophie A. Gruber,

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Randolph B. Martine,
District Attorney

0512

BOX:
216
FOLDER:
2136
DESCRIPTION:
O'Neill, John

DATE:
04/13/86

2136

Transferred to Oyer & Terminer
Jan. 7th 1887. H. A. Gildersleeve
Clk. S.

Witnesses:
Chas. B. Waite

Bailed in $4000 by
John Dooley
319 Lexington Ave
John Freeman
207 W. 21st St
Francis Dreksma, 118 Mulberry
Peter J. McCoy, 55 East 127th
James J. Coogan, 41 West 52nd

Oct. 14/86

No 28 November 1886

Counsel,

Filed, 13 day of April 1886.

Pleads, Not guilty. (May 7)

THE PEOPLE

vs.

John O'Neill

86 201 Bowery Liquor dealer

BRIBERY.
[§ 72 Penal Code, and Section 58 Consolidation Act of 1882.]

On motion of Dist Atty ordered that this indictment be sent to the Court of Oyer & Terminer now held up & till the ~~[illegible]~~ according to law.
RANDOLPH B. MARTINE
District Attorney.

Jan 7th 1887
Copy
H. A. Gildersleeve Clk

A True Bill.

J. H. Brown
Foreman.

Feb. 1st 1887

Tried and convicted
1st Count
Feb 11/87 - State Prison
4 yrs & Cos. & F. 2000
& stand Cons. one day to attach on 8th
Geo. Barrett Jge

POOR QUALITY ORIGINAL

E158

City and County of New York SS:-

RANDOLPH B. MARTINE, being duly sworn, deposes and says: I am the District Attorney of the County of New York. On information and belief, I accuse John C. McCarthy of the crime of Bribery committed as follows :- In the month of July 1884 the said ~~was a~~ John C. McCarthy was a member of the Board of Aldermen in the City of New York, and, as such, a member of the Common Council in said City.

In said month, there was pending before said board of Aldermen a petition or application by a corporation known as the Broadway Surface Railway Company, for permission to construct and operate a railroad on the street known as Broadway in the City of New York. In or about the said month of July 1884, the said John C. McCarthy being then and there a person executing the function of a public office, to wit, as aforesaid, a member of the Board of Aldermen, and, as such, a member of the Common Council of said City, did then ask, receive and agree to receive a bribe and sum of money amounting to several thousand dollars upon the agreement and understanding that his vote, action and decision as a member of the said board of Aldermen should be influenced by said bribe and sum of money in the matter of the petition and application of said Broadway Surface Railway Company as hereinabove set forth.

The grounds of my information and belief as to all matters not herein stated on my own knowledge, are the

proceedings of the said Board of Aldermen in reference to said application and petition of the said Broadway Surface Railroad Company as the same are reported in the records of said proceedings; the facts and circumstances which surrounded the incorporation of said railway, its excessive issue of bonds far beyond the cost and expense of constructing the same, the lavish use of funds in various ways, and the secreting of large sums of money during the period when the aforesaid application was pending before said board, and certain confessions of the said John C Heu to a [illegible], now within the City and County of New York, but whose name I do not now state, because I believe that the ends of public justice will be better served by withholding; [illegible]; and other facts and circumstances, which upon the trial of indictment for the crime herein charged, I shall prove on behalf of the People.

I therefore pray that a warrant for the arrest of said John C Heu may be forthwith issued, to the end that he may be dealt with according to law.

Sworn to this 12th day of April 1880 before me.

Randolph B. Martine

Thos Kiernan

The People

vs

John O'Neil

affidavit

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
John O'Neill.

The Grand Jury of the City and County of New York, by this indictment accuse John O'Neill of the CRIME OF **Bribery,** committed as follows:

Heretofore, to wit, on the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and eighty-four, at the City of New York, in the County of New York aforesaid, a certain petition and application of the Broadway Surface Railroad Company, a corporation duly organized and incorporated under and by virtue of the laws of the State of New York, before then duly presented to the Common Council of the City of New York, praying and making application to the said Common Council for its consent and permission to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of certain streets, avenues and highways in the said city, together with the necessary connections, switches, turnouts, turntables, sidings and suitable stands for the convenient working of the said road, was duly pending before and under the consideration of the said Common Council.

And the said petition and application having been so as aforesaid made and presented to the said Common Council, and being so pending and under its consideration as aforesaid, the said John O'Neill, late of the City and County of New York aforesaid, being then and there a public officer, and a person executing the functions of a public office, to wit, an alderman and a member of the board of aldermen of the City of New York, and as such, being then and there a member of the Common Council aforesaid, afterwards, to wit, on the said twenty-ninth day of August, in the year aforesaid, and whilst the said petition and application was yet pending before and under the consideration of the said Common Council, contriving and intending the duties of his said office, and the trust and confidence thereby reposed in him, to prostitute and

betray, at the city and county aforesaid, with force and arms, unlawfully, wickedly and corruptly, did feloniously ask and agree to receive the sum of Twenty-thousand Dollars in money, and a promise and agreement therefor, from a certain person whose name is to the Grand Jury aforesaid as yet unknown, upon an agreement and understanding that the vote, opinion, judgment, action and official proceeding of him, the said John O'Neill as such member of the Common Council aforesaid, upon and concerning the said petition and application of the said Broadway Surface Railroad Company, so pending before and under the consideration of the said Common Council as aforesaid, should be thereby influenced, and that his vote, opinion, judgment, action and official proceeding as such member of the Common Council aforesaid upon and concerning the said petition and application, should be in favor of the granting and giving by the said Common Council of the consent and permission so as aforesaid in and by the said petition and application prayed and applied for; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said John O'Neill of the CRIME OF **Bribery,** committed as follows:

Heretofore, to wit, on the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and eighty-four, at the City of New York, in the County of New York aforesaid, a certain petition and application of the Broadway Surface Railroad Company, a corporation duly organized and incorporated under and by virtue of the laws of the State of New York, before then duly presented to the Common Council of the City of New York, praying and making application to the said Common Council for its consent and permission to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of certain streets, avenues and highways in the said city, together with the necessary connections, switchs, sidings, turnouts, turntables and suitable stands for the convenient working of the said road, was duly pending before and under the consideration of the said Common Council.

And the said petition and application having been so as aforesaid made and presented to the said Common Council, and being so pending and under its consideration as aforesaid, the said John O'Neill

late of the city and county aforesaid, being then and there an alderman and a member of the board of aldermen of the City of New York, and as such, being then and there a member of the said Common Council, afterwards, to wit: on the said twenty-ninth day of August, in the year aforesaid, and whilst the said petition and application was yet pending before and under the consideration of the said Common Council, contriving and intending the duties of his said office, and the trust and confidence thereby reposed in him, to prostitute and betray, at the city and county aforesaid, with force and arms, unlawfully, wickedly and corruptly, did feloniously accept from a certain person whose name is to the Grand Jury aforesaid as yet unknown, a promise and agreement to give and furnish to him, the said John O'Neill

the sum of Twenty thousand dollars in money, and an undertaking to give and furnish the said sum of money to the said John O'Neill under an agreement and understanding that the vote, opinion, judgment and action of him, the said John O'Neill

as such member of the said Common Council, upon and concerning the said petition and application of the said Broadway Surface Railroad Company, so pending before and under the consideration of the said Common Council as aforesaid, should be influenced thereby, and that his said vote, opinion, judgment and action should be given in the cause, matter and proceeding of, upon and concerning the said petition and application, in favor of the granting and giving by said Common Council of the consent and permission so as aforesaid in and by the said petition and application prayed and applied for; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0520

BOX:
216
FOLDER:
2136
DESCRIPTION:
O'Rourke, William

DATE:
04/28/86

2136

Deposition and a Bench in V.P.

Witnesses:

No. 236

Sheckler Bros

Counsel.

Filed 28 day of April 1886

Pleads Not guilty

THE PEOPLE

vs.

vs. 497 497

William O'Rourke

H.D.

Burglary second degree
Robbery, first degree
[Section 497, 224-228, Penal Code].

RANDOLPH B. MARTINE,

May 4/86 District Attorney.

Leads Burg 2. 11.

A True Bill.

J. P. Brown

Foreman

Tuesday 4th 1886

74 Mondays P.

POOR QUALITY ORIGINAL

1259

Police Court 2nd District.

City and County of New York, } ss.:

Alexander Robison

of No. 225 west 27th Street, aged 29 years,

occupation Waiter, being duly sworn

deposes and says, that the premises No 225 west 27th Street,

in the City and County aforesaid, the said being a two Story frame house and the back room on the first floor ~~and~~ which was occupied by deponent as a bedroom

and in which there was at the time a human being, by name Alexander Robison this deponent

were BURGLARIOUSLY entered by means of forcibly bursting in the door leading from the hallway into the bedroom on the first floor of said premises

on the 20th day of April 1886 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

One brown Cloth overcoat of the Value of twenty dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen, and carried away by William O'Rourke (now here) and another man who is not yet arrested and whose name is unknown to deponent

for the reasons following, to wit: On said date about the hour of 10 o'clock a.m. deponent was lying on his bed in the bedroom on first floor of said premises - That the door of said bedroom was then and there securely locked and fastened - That at said time and date before mentioned deponent heard a noise at the door of his bedroom and immediately after said door was burst in by said O'Rourke and said unknown man

acting in Concert together — That said O'Rourke then ordered said unknown man to grab deponent — That said O'Rourke grabbed deponent by the throat and took a table knife from the table with which the said O'Rourke threatened to Kill deponent. That deponent eventually escaped from said O'Rourke's grasp and ran out in the street — That deponent was followed shortly after by said O'Rourke and said unknown man to the street and deponent then saw the afore-described property hanging on the left arm of said O'Rourke — Wherefore deponent charges said O'Rourke and said unknown man acting in Concert together with the burglary and larceny as aforesaid.

Sworn to before me
this 20th day of April 1886

his
Alexander x Robinson
mark

Police Justice

Police Court ..... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary ..... Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ ..... Bail.

Bailed by

No. ..... Street.

Sec. 198—200.

Tombs District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

William O. Rourke being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question What is your name?

Answer William O. Rourke

Question. How old are you?

Answer 25 years

Question. Where were you born?

Answer. New York

Question. Where do you live, and how long have you resided there?

Answer. 427 west 32nd street and six years.

Question What is your business or profession?

Answer Engineman.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. I am not guilty

William O'Rourke

Taken before me this 8th *day of* [illegible] 1888

[illegible]

Police Justice.

0525

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court 2 3rd District.

THE PEOPLE, &c.,

on the complaint of Alexander Robinson 205 West 27th William F. Smith William O'Neill

Offence Burglary

RECEIVED APR 22 1895 TOWNSEND

Dated April 20 188 9

Magistrate

Arthur J. Kennedy Officer.

200 Precinct.

Witnesses Charles Harris 208 West 30th 205 West 27th Street.

Michael Rosenthal No. 157 West 27th Street,

No. _____ Street,

$1000 to answer Gen Sess

Conn

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____ defendant _____ *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* One *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated April 20 188 9 _____ *Police Justice.*

I have admitted the above-named _____ *to bail to answer by the undertaking hereto annexed.*

Dated _____ 188 _____ *Police Justice.*

There being no sufficient cause to believe the within named _____ _____ *guilty of the offence within mentioned, I order he to be discharged.*

Dated _____ 188 _____ *Police Justice.*

New York,
May 5th 1886

In the case of the People against Wm O'Rourke indicted for burglary in the first degree and to which I plead in the second.

I would earnestly call your attention to the following that I was met and invited by the Complainant Robinson to his room and where I went in his company and remained with him for some time early in the morning of the Charged burglary I called again at 10 o'clock A.M. same morning when he was still in his room and in answer to my knock on the door desired me to enter which I did and remained there in considerable time on leaving I saw the Coat laying on the bed and took it and purchased being under the influence of liquor and not knowing what I was doing

I most earnestly pray you

in imposing sentence you will kindly take this consideration that I did not go there with any dishonest intention but I was invited there by complainant and that I was scarcely capable of knowing what I was doing owing to stimulants imbibed.

Therefore most respectfully pray that in view of the above you be as merciful as justice in passing sentence

Yours most humbly
Wm O'Rourke

To
Recorder Smythe

The People :
- vs- :
William O'Rourke :

City andCounty of New York Ss: James Corrigan of 140 West 30th Street being duly sworn deposes and says: that he is an Inspector on the New Acqueduct; that he has known the above named defendant since his release from prison, and that he has always found him to be honest and hard working ever since that time; that his only fault has been to drink too much liquor, and that he hasbeen ever since his release asisting in the support of his widowed mother, his father having been killed in the Army, during the late Rebellion.

Sworn to before me this ::: James Corrigan
11th. day of May 1886 :::
Jacob Meyer
Commissioner of Deeds,
N.Y. City

City and County of New York Ss: John Morre of 628 30th. Avenue being duly sworn deposes andsays: I am an Iron Moulder; that he has heard read the affidavit of James Corrigan and that the same is true to deponent's own knowledge.

Sworn to before me this ::: John Morre
11th. day ofMay 1886 :::
Jacob Meyer
Commissioner of Deeds,
New York City.

The People

vs-

William O' Rourke

City & County of New York ss.

Dennis J. Carey of 464 7th. Avenue deposes and says: I am a Boss Truckman doing business in the cityof New York: that the above nameddefendant for the past six months has been in his employ as Driver and during that period of time have trust ed him with varuous sums of money and have always found ~~thought~~ him to be honest.

I have known him since he was released from Prison and I believe from his conduct that he intended to reform and ~~have~~ for that reason gave ~~him~~ employment.

Sworn to before me this :::
11th. day of May 1886 :::

Dennis J. Carey

Jacob Meyer
Com. of Deeds
City

City New York Recorder's Chambers

New York _____ 188_

O Robb. —

2 1/2 Burglary. S.P.
1 yr Apr. on L.C. Penty.
3 Mos P.L. "
6 Mos Apr. on his term to 6 May

0531

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
William O'Rourke

The Grand Jury of the City and County of New York, by this indictment, accuse

— William O'Rourke —

of the CRIME OF BURGLARY IN THE second DEGREE, committed as follows:

The said William O'Rourke,

late of the Twentieth Ward of the City of New York, in the County of New York aforesaid, on the twentieth day of April —, in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, about the hour of ten o'clock in the same time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Alexander Robinson, —

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: the said Alexander Robinson, —

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said Alexander Robinson,

in the said dwelling house then and there being, ~~then and there feloniously and burglariously to steal, take and carry away~~ in the presence of the said Alexander Robinson, against his will, and by violence to the person of the said Alexander Robinson, then and there, in the dwelling house aforesaid, violently and feloniously to rob, steal, take and carry away; —

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity,

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said William O'Rourke —

of the CRIME OF ~~GRAND LARCENY~~ Robbery IN THE Second DEGREE, committed as follows:

The said William O'Rourke,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the daytime of the said day, with force and arms, (having then and there aided by an accomplice, actually present, whose name is to the Grand Jury aforesaid, as yet unknown) in and upon one Alexander Robinson, in the peace of the said People then and there being, in the dwelling house of him the said Alexander Robinson, there situate, feloniously did make an assault, and one overcoat of the value of twenty dollars, of the goods, chattels, and personal property of the said Alexander Robinson, in the presence of the said Alexander Robinson, against his will, and by violence to the person of the said Alexander Robinson, in

~~of the goods, chattels and personal property of one~~

~~in the dwelling house of the said~~

~~there situate, then and there being found, from~~ the dwelling house aforesaid, then and there feloniously violently did not steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Third COUNT. —

And the Grand Jury aforesaid, by this indictment, further accuse the said William O'Rourke,

of the CRIME OF BURGLARY IN THE second DEGREE, committed as follows:

The said William O'Rourke,

late of the Twentieth Ward of the City of New York, in the County of New York aforesaid, on the Twentieth day of April —, in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, about the hour of Ten o'clock in the Night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Alexander Robinson, —

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: the said Alexander Robinson,

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said Alexander Robinson, —

in the said dwelling house then and there being, ~~then and there feloniously and burglariously to steal, take and carry away~~ in the presence of the said Alexander Robinson, against his will, and by putting him the said Alexander Robinson in fear of some immediate injury to his person, then and there, in the dwelling house aforesaid, violently and feloniously to rob, steal, take and carry away, —

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity,

0534

~~SECOND~~ Fourth COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said —William O'Rourke,—

of the CRIME OF ~~GRAND LARCENY~~ Robbery IN THE First DEGREE, committed as follows:

The said William O'Rourke,

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the day time of the said day, with force and arms, (being then and there aided by an accomplice, actually present, whose name is to the Grand Jury aforesaid, as yet unknown) in and upon one Alexander Robinson, in the peace of the said People, then and there being in the dwelling house of him the said Alexander Robinson, there situate, feloniously did make an assault, and one pocketbook of the value of twenty dollars,

of the goods, chattels and personal property of ~~one~~ the said Alexander Robinson, in the presence of the said Alexander Robinson, against his will, and by putting him the said Alexander Robinson in fear of some immediate injury to his person, in ~~there situate, then and there being found, from~~ violently the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Randolph B. Martine,
District Attorney.